IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.63 OF 2007

Saquib Abdul Hamid Nachan .. Petitioner
Vs
1.The State of Maharashtra & Anr Respondents.

Mr. M.H.Solkar, for the petitioner.
Mr D.S.Mhaispurkar, APP for the respondents.

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Mr D.S.Mhaispurkar, APP for the respondents.

CORAM : SMT.RANJANA DESAI & D.B.BHOSALE,JJ.
DATED : 11th APRIL, 2007

P.C.:

1. We have heard Mr Solkar, learned counsel for the petitioner and Mr Mhaispurkar, learned APP for the respondents.

2. According to the petitioner, the Notification No.CRC 1006/627 (53) IX, issued by the State Government on 5/7/2006 purportedly in exercise of powers conferred by sub-section (4) of Section 23 of POTA 2002 appointing Her Honour Judge Smt. Swapna S Joshi as the Special Judge to preside over the Special Court under POTA, is illegal and unconstitutional. Since the trial is pending, we do not deem it appropriate to examine this point at this stage. We, however, leave it open to the petitioner to agitate this point after the trial is concluded in further appropriate proceedings. The writ petition is disposed of.

(D.B.BHOSALE,J.) (SMT.RANJANA DESAI,J.)